IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

CRP.No. 1249 of 2005

AGAINST THE ORDER DATED 26/12/2005 IN EP 60/2005. IN OS.544/1999 of MUNSIFF COURT, PERUMBAVOOR

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REVN. PETITIONER: JUDGMENT DEBTOR/DEFENDENT.

JUDES, S/O. RAPPEL,
MOOTHEDAN HOUSE, AYATHUPADY BHAGAM, AIMURY,
KOOVAPPADY VILLAGE.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENTS: DECREE HOLDER/PLAINTIFF.

ANTONY, S/O. PAPPACHAN,
KURUMBAN KUDY HOUSE, AYATHUPADY, AIMURY KARA,
KOOVAPPADY VILLAGE.

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.3562 OF 2005
in
C.R.P.NO.1249 OF 2005

Dismissed.

sd/-
M.N.KRISHNAN, JUDGE

02-02-2007

M.N.KRISHNAN, J.

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C.R.P.NO.1249 OF 2005

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Dated this the 2nd day of February 2007

ORDER

This revision is preferred against the order of the Munsiff, Perumbavoor in E.P.No.60/05. At the stage of admission this court granted an interim stay on condition that the petitioner shall deposit before the execution court a sum of Rs.10,000/- within two months. The said order was passed as early as on 27-12-2005 and I am informed till this day no amount is paid. On merits it has to be stated that the decree holder has deposed before the court that the judgment debtor is a sales man in a vegetable shop besides a lucrative marriage broker. The court also considered the evidence of DW1 the judgment debtor. It has come out in evidence that the children of the judgment debtor are studying in a private school by paying fees. This is only indicative of standard of living of the person. Though DW1 attempted to explain it away by stating that he is living with the help of brothers, it was brought out in cross examination that the brothers were living separately for the last six years. So the evidence of PW1 that the judgment debtor is a sales man having

considerable income besides his income from the marriage brokerage stands established and the evidence of DW1 is not satisfactory in that regard. So the findings of the executing court that there is means for the judgment debtor to pay the decree debt and that he has willfully refused to pay the amount appears to be correct and therefore the revision lacks merit and dismissed.

M.N.KRISHNAN, JUDGE

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